

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DESHAWN VAUGHN and PARIS
VAUGHN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RAYMOND HUDSON,

Respondent-Appellant.

UNPUBLISHED

June 12, 2003

No. 244493

Oakland Circuit Court

Family Division

LC No. 00-636428

Before: Sawyer, P.J., and Meter and Schuette, JJ.

MEMORANDUM.

Respondent appeals as of right from the order of the trial court terminating his parental rights to his minor children pursuant to MCL 712A.19b(3)(g). We affirm.

The trial court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. MCR 5.974(I) (now MCR 3.977[J]); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent was incarcerated during much of the children's lives and also had a history of substance abuse that contributed to his failure to properly care for the children. At the time of termination, respondent was still incarcerated on a potentially lengthy sentence. Though he hoped for parole within a short time, respondent had obtained parole many times previously but had been unsuccessful in abstaining from drugs and alcohol outside of incarceration. The trial court therefore did not err in concluding that there was no reasonable likelihood that respondent could provide proper care for the children within a reasonable time given the ages of the children.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the best interests of the children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The children had only a minimal bond with respondent, in part because of his absences during numerous incarcerations, and the trial court correctly assessed that their need for permanence outweighed any benefit from continued contact with respondent.

We further reject respondent's argument that petitioner's failure to provide him with services warrants reversal. A trial court is required to state whether reasonable efforts have been

made to prevent a child's removal from the home or to rectify the conditions that caused the child to be removed from the home. MCL 712A.18f(4). In this case, services could not have overcome the major obstacle of respondent's incarceration. Respondent did avail himself of services while incarcerated and maintained contact with the children by letter. As the trial court noted, respondent did virtually all he could from prison and further services by petitioner could not have overcome the fact of his incarceration.¹

Moreover, respondent failed to take advantage of the services that petitioner did offer. Petitioner attempted to permit respondent supervised visitation but respondent did not comply with visitation. The social worker also scheduled an appointment for respondent to meet with her to establish a treatment plan, but respondent failed to attend. The trial court, therefore, did not err in terminating respondent's parental rights to the children.

Affirmed

/s/ David H. Sawyer

/s/ Patrick M. Meter

/s/ Bill Schuette

¹ Moreover, we note that services are not mandated in all situations. *In re Terry*, 240 Mich App 14, 26, n 4 610 NW2d 563 (2000).